

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN MOODY, *et al.*,

Plaintiff,

Case No. 12-cv-13593
HON. GERSHWIN A. DRAIN

vs.

MICHIGAN GAMING CONTROL BOARD,
et al.,

Defendants.

ORDER DENYING MOTION FOR RECONSIDERATION [#122]

Presently before the Court is Plaintiffs' Motion for Reconsideration of this Court's November 27, 2013 Order Granting Defendants' Motion for Summary Judgment. Defendants' Motion was granted because the Court concluded that the Plaintiffs failed to identify the violation of any of their constitutional rights.

Local Rule 7.1(h)(3) of the Local Rules of the United States District Court for the Eastern District of Michigan provides:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. L.R. 7.1(h)(3). "A 'palpable defect' is 'a defect that is obvious, clear, unmistakable, manifest, or plain.'" *United States v. Lockett*, 328 F. Supp. 2d 682, 684 (E.D. Mich. 2004) (citing

United States v. Cican, 156 F. Supp. 2d 661, 668 (E.D. Mich. 2001)). “[A] motion for reconsideration is not properly used as a vehicle to re-hash old arguments or to advance positions that could have been argued earlier but were not.” *Smith ex rel. Smith v. Mount Pleasant Pub. Sch.*, 298 F. Supp. 2d 636, 637 (E.D. Mich. 2003) (citing *Sault Ste. Marie Tribe of Chippewa Indians v. Engler*, 146 F.3d 367, 374 (6th Cir.1998)). Upon review of Plaintiffs’ present motion, the Court finds that Plaintiffs have failed to demonstrate a palpable defect by which this Court has been misled the correction of which will result in a different disposition of this matter.

Accordingly, Plaintiffs’ Motion for Reconsideration [#122] is DENIED.

SO ORDERED.

Dated: March 28, 2014

/s/Gershwin A Drain
GERSHWIN A. DRAIN
U.S. DISTRICT JUDGE